REMARKS

Claims 1, 26, 51, 54-60, 62-68, 71-82, 84, 85, 88, 92 and 94 are pending with claims 1, 26, 51, 84 and 85 being independent. Claims 1, 26, 51, 54, 55-57, 59, 66, 68, 71, 73, 78, 84, 85, 88, 92 and 94 have been amended, and claims 69, 70, 83, 86, 87, 89-91, 93 and 95 have been cancelled by this amendment. The amendments find support in the application at paragraphs [0011] (noting that the process of identifying an individual is carried out by using only the communications device), [0016] and [0114] (noting that there is no need to exchange information with the opposite end for the identification process), [0105] (noting that, after the identification, the data containing information that the identification has completed is transmitted to the opposite end such that the opposite end does not need to carry out a separate identification process) and [0122] (noting that an identification signal is generates when matching is observed) of the application as published, for example. No new matter has been introduced.

Independent claims 84 and 85 have been rejected as being anticipated by Li (U.S. Patent No. 6,219,793). Applicant requests reconsideration and withdrawal of this rejection because Li does not describe or suggest a portable communication device that includes "a checking means for performing an identification process to confirm the identity of the client by checking the read biological information with the stored biological information and completing the identification of the client if the read biological information matches with the stored reference biological information; and a transmitting means for transmitting information to the server that the identification of the client is completed and the identity of the client is confirmed, wherein the checking means is configured to complete the identification of the client without a necessity of exchanging data with the server," as recited in claim 84, or "performing an identification process at a portable communication device to confirm the identity of the client by checking the read biological information with at least one stored reference biological information of the client and completing the identification of the client if the read biological information matches with the stored reference biological information, wherein the identification process is completed without a necessity of a communication with a server, and wherein information that the identification of the client is completed and the identity of the client is confirmed is transmitted to the server after identifying the client," as recited in claim 85.

Instead, as applicant has previously noted, Li employs a "challenge-response" authentication process to confirm the identify of a user. Li's use of a challenge-response approach is a fundamental difference between Li and the claimed subject matter. Li's process involves an exchange of data between a server and a client (the phone), and requires the server to complete the identification process (see steps 312 and 313 of Li's Fig. 3B). Thus, in Li's system, the phone is required to communicate with the server in order to complete the identification process, and the phone does not transmit information that the identification of the client is completed and the identity of the client is confirmed. Accordingly, the rejection should be withdrawn.

Claims 92 and 94, which depend from claims 84 and 85, have been rejected as being unpatentable over Li. Applicant requests reconsideration and withdrawal of this rejection for the reasons discussed above with respect to claims 84 and 85.

Claims 1, 26, 51, 54-60, 62-68, 71-82 and 88 have been rejected as being unpatentable over Li in view of Nagayoshi (U.S. Patent No. 6,839,798). Similarly to claims 84 and 85, independent claim 1 recites "a transmitting circuit for transmitting information that the identification of the client is completed and the identity of the client is confirmed to the server, wherein the portable communication device is configured to complete the identification of the client without a necessity of exchanging data between the portable communication device and the server"; independent claim 26 recites "transmitting information that the identification of the client is completed and the identity of the client is confirmed from the portable communication device to the server, wherein the identification of the client is completed without a necessity of exchanging data between the portable communication device and a server"; and independent claim 51 recites "transmitting information that the identification of the client is completed and the identity of the client is confirmed from the identifying element to the control element, wherein the identifying step is completed without a necessity of exchanging data between the portable communication device and the server." Accordingly, applicant requests reconsideration and withdrawal of this rejection for the reasons discussed above with respect to claims 84 and 85, and because Nagayoshi, which is cited as showing a flash memory device, does not remedy this failure of Li.

Applicants submit that all claims are in condition for allowance.

The fee in the amount of $490 in payment of the two-month extension fee is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 11/13/09

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